

AASHTO-AGC-ARTBA Joint Committee
Joint Position Statement JPS-3-19
Titled: Fully Implementing Project Delivery Reforms

In the three most recent federal surface transportation reauthorization laws – the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU,” passed in 2005), the Moving Ahead for Progress in the 21st Century Act (“MAP-21,” passed in 2012), and Fixing America’s Surface Transportation Act (the “FAST Act,” passed in 2015) – Congress included provisions intended to streamline the review and approval process for transportation projects. Congress structured many of these reforms for optional use by states and project sponsors. Examples of current law include:

- Voluntary assignment to the states of project environmental reviews under the National Environmental Policy Act (NEPA), which eight (8) states have agreed to do since 2014;
- The option for a state department of transportation to request the U.S. Department of Transportation (U.S. DOT) to impose a time limit of two additional years for completion of an Environmental Impact Statement (EIS) if the process has already taken at least two years;
- Establishment of U.S. DOT as the lead agency for coordinated project reviews;
- Use of planning documents in the NEPA process “to the maximum extent practicable and appropriate,” rather than generating the same or similar material over again; and
- Expansion of categorical exclusions to projects which are multi-modal, within an existing right-of-way and/or utilize limited federal aid.

As the Joint Committee’s component associations consult with Congress about the next surface transportation reauthorization bill, it is a logical time to review these reforms, assess their effectiveness thus far, and recommend further process improvements as appropriate.

Accordingly, the Joint Committee recommends the following:

- For the benefit of states participating in or considering the NEPA assignment program, U.S. DOT – in coordination with relevant state transportation departments – is encouraged to report on its progress, quantify its successes and make recommendations in continuing to promote and educate on the use of this and related reforms.
- Similarly, U.S. DOT should gather and report data and case studies on the use and success of other recent reforms such as those described above. Where needed, the department should identify any obstacles to their utilization, recommend substantive improvements and/or undertake increased training to facilitate their greater use, as appropriate.
- Congress should be open to making further improvements in these provisions through the FAST Act reauthorization process.